IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT:

THE HON'BLE SRI JUSTICE B. SUDERSHAN REDDY

And

THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.93 of 2005

Between:

Puja Inductment Pvt.Ltd.,

Survey No.112, Bollarum Miyapur,

Industrial Estate, Dist: Medak (A.P.),

Rep. by its Director Sri Mahadev Prashad.

..... PETITIONER

AND

1) The District Collector, Medak at Sangareddy.

2) The Deputy Commercial Tax officer, Jogipet at Medak.

3) Sri Mirza Mustafa Baig, S/o.Sri Late Mitrza Hussain Baig,
M/s. Niagara Auto Syndicate, 19-1-888/1, Bahadurpura,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring that the auction of the property bearing Nos. bearing field survey No.W-B-O-O Survey No.172/C
plot No.112, extent 1.628A, 659H situated at IDA, Bollarum, Narsapur Mandal, Medak Dist., and machinery, conducted by the Respondent No.2 at the behest of the Respondent No.1 and issuance of Sale Certificate in favour of Respondent No.3 is highly illegal, arbitrary, unconstitutional and contrary to the provisions of the A.P. Revenue Recovery Act, 1864.

Counsel for the Petitioner: Mr. VENKAT RAGHU RAMULU

Counsel for Respondents 1 & 2: G.P. FOR REVENUE

Counsel for Respondent No.3: Mr. P. Girish Kumar

The Court made the following:

ORDER:(Per Hon'ble Sri Justice B. Sudershan Reddy)

It is unnecessary to go into the question as to the validity of the auction of the property bearing Field Survey No.W-B-O-O Survey No.172/C, Plot No.112, extent 1.628A, 659H situated at IDA, Bollarum, Narsapur Mandal, Medak District and the machinery and also as to the sale certificate issued in favour of the 3rd respondent, since the appeal stated to have been preferred by the petitioner before the

1st respondent is yet to be disposed of. The petitioner had already availed the alternative remedy available to him in law and for that reason it cannot be permitted to pursue parallel remedies.

Interest of justice would be met by directing the

1st respondent to dispose of the appeal preferred by the petitioner as expeditiously as possible preferably within eight weeks from the date of receipt of the copy of this order with due notice to the petitioner as well as the 3rd respondent.

The District Collector is directed to pass a reasoned order and communicate the same to the parties. There shall be an order accordingly.

It is needless to observe that the petitioner shall have the benefit of the interim order granted by this Court until disposal of the appeal preferred by him.

The Writ Petition is accordingly disposed of without any order as to costs.

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B. SUDERSHAN REDDY, J

Date:28-04-2005.

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C.V. RAMULU, J

NOTE:

Furnish certified copy of the order by 29-04-2005.

(**B/O**)

PV

To

1) The District Collector, Medak at Sangareddy.

2) The Deputy Commercial Tax officer, Jogipet at Medak.

3) Two C.Cs. to G.P. for Revenue, High Court of A.P.,
Hyderabad (O.U.T.).

4) Two C.D. copies.